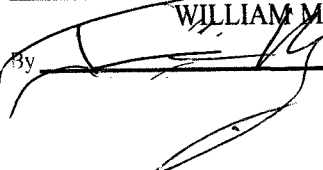


Presented to the Court by the foreman of the Grand Jury in open Court, in the presence of the Grand Jury and FILED in the U.S. DISTRICT COURT at Seattle, Washington.

AUGUST 14 2013  
WILLIAM M. McCOOL, Clerk  
By  Deputy

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,  
Plaintiff,

v.

JUAN CARLOS DE LA CRUZ PIOTE,  
Defendant.

CR NO. 13 5470 RBL

INDICTMENT

**Count 1**  
**(Conspiracy to Commit Wire Fraud)**

Beginning in or about June 2011, and continuing until August 14, 2013, at Silverdale and elsewhere within the Western District of Washington, Romania, and elsewhere, JUAN CARLOS DE LA CRUZ PIOTE and others known and unknown, did knowingly and intentionally conspire to commit an offense against the United States, to wit: wire fraud, in violation of Title 18, United States Code, Section 1343 by devising a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, and the concealment of material facts, and by transmitting writings, signs, signals, pictures, and sounds, in interstate and foreign commerce for the purpose of executing the scheme and artifice.

1 **I. Object of the Conspiracy**

2 The object of the conspiracy was to defraud, and to obtain money and property  
3 from, victims seeking to buy cars, boats, and other items advertised on the internet.  
4 Specifically, DE LA CRUZ PIOTE and his coconspirators fraudulently advertised  
5 recreational vehicles (RV's), motor homes, cars, and boats for sale on the internet, and  
6 then caused unwitting buyers to send money in payment for these items. In truth and  
7 fact, DE LA CRUZ PIOTE and his coconspirators never intended to sell or send the  
8 items, and instead intended to steal the money that victims sent to bank accounts that DE  
9 LA CRUZ PIOTE and others controlled. To date, the scheme has netted a total of more  
10 than \$1,000,000, of which \$251,990 in wire transfers were sent to bank accounts  
11 controlled by DE LA CRUZ PIOTE.

12 **II. Manner and Means of the Conspiracy**

13 1. It was part of the conspiracy that DE LA CRUZ PIOTE and others would  
14 enter the United States for the purpose of committing the scheme.

15 2. It was further part of the conspiracy that DE LA CRUZ PIOTE and other  
16 coconspirators would and did open bank accounts in the names of companies, such as  
17 GMC AUTOS, LLC, at federally-insured financial institutions and elsewhere.

18 3. It was further part of the conspiracy that DE LA CRUZ PIOTE and other  
19 coconspirators would and did cause advertisements to be placed on internet sites,  
20 fraudulently offering for sale items such as recreational vehicles, cars, boats, and other  
21 expensive items, that the coconspirators did not intend to deliver.

22 4. It was further part of the conspiracy that DE LA CRUZ PIOTE and other  
23 coconspirators would and did respond, by telephone and by email, when potential victims  
24 expressed interest in purchasing the items.

25 5. It was further part of the conspiracy that DE LA CRUZ PIOTE and other  
26 coconspirators would and did instruct potential victims that, to avoid being cheated when  
27 purchasing the listed items, the victims should use a service called "Amazon Payments."  
28 In truth and fact, DE LA CRUZ PIOTE and other coconspirators were in no way

1 associated with Amazon, and instead used the name to lull their victims into a false sense  
2 of security.

3 6. It was further part of the conspiracy that DE LA CRUZ PIOTE and other  
4 coconspirators would cause their victims to transfer, by wire, in and through interstate  
5 commerce, the purchase money for the items listed for sale, to bank accounts they had set  
6 up in the name of GMC AUTOS, LLC, and other names, although DE LA CRUZ PIOTE  
7 and his coconspirators had no intention of delivering the items offered for sale.

8 7. It was further part of the conspiracy that DE LA CRUZ PIOTE and other  
9 coconspirators would and did then cause the proceeds received from their victims to be  
10 again wire transferred, to accounts outside the United States, and would and did withdraw  
11 the victims' money from these accounts, all without delivering, or intending to deliver,  
12 the items listed for sale in the internet advertisements.

13 8. It was further part of the conspiracy that DE LA CRUZ PIOTE and other  
14 coconspirators would and did make false statements to the banks, to the conspirators'  
15 victims, to the police, and to others, all to lull them and to give the conspirators the  
16 opportunity to flee from the area and outside of the United States.

17 9. It was further part of the conspiracy that DE LA CRUZ PIOTE and other  
18 coconspirators, if arrested for their frauds, would have their coconspirators pay any bond  
19 or bail, in untraceable currency, to give them the option of fleeing the charges, and  
20 prevent law enforcement from tracing and detecting the other members of the scheme.

21 10. It was further part of the conspiracy that DE LA CRUZ PIOTE would and  
22 did open and use a bank account in the name of GMC AUTOS, LLC, at Chase Bank,  
23 account 3018, at the branch located at 14400 124th Ave. NE., Kirkland, WA 98034.

24 11. It was further part of the conspiracy that DE LA CRUZ PIOTE would and  
25 did open and use bank accounts in the name of GMC AUTOS, LLC, at Bank of America,  
26 accounts 9703 & 9612, at the branch located at 12727 SE 38th St., Bellevue, WA 98006.

27 12. It was further part of the conspiracy that DE LA CRUZ PIOTE would and  
28 did open and use bank accounts in the name of GMC Autos, LLC, at Wells Fargo Bank,

1 accounts 3202 & 9548, at the branch located at 13505 NE. 175th St., Woodinville, WA  
2 98072.

3 **III. Overt Acts in Furtherance of the Conspiracy**

4 1. In furtherance of the conspiracy and to effect the objects of the conspiracy,  
5 at Silverdale, in the Western District of Washington, and elsewhere DE LA CRUZ  
6 PIOTE and coconspirators did knowingly commit the following overt acts:

7 2. On December 28, 2010, coconspirator Emilian Nita entered the East  
8 Bremerton, Washington, branch of Bank of America to fraudulently open a bank account  
9 to facilitate a wire fraud. Using the name of D.S., Nita provided a false and fraudulent  
10 passport in the name of D.S. Nita used the false and fraudulent passport to open a bank  
11 account that he knew was to be used as part of a scheme to defraud others.

12 3. On January 20, 2011, Nita entered the Silverdale, Washington, branch of  
13 Bank of America to fraudulently open a bank account under the name of D.S. Once  
14 again, Nita used the name D.S., and a fraudulent Slovakian passport in the name of D.S.,  
15 to open the bank account. Nita knowingly created this account for the purposes of  
16 facilitating a wire fraud through an internet-based fraud scheme.

17 4. On or about July 13, 2011, DE LA CRUZ PIOTE opened a bank account in  
18 the name of GMC AUTOS, LLC, at Chase Bank, account 3018, at the branch located at  
19 14400 124th Ave. NE., Kirkland, WA 98034.

20 5. On or about July 12, 2011, DE LA CRUZ PIOTE opened bank accounts in  
21 the name of GMC AUTOS, LLC, at Bank of America, accounts 9703 & 9612, at the  
22 branch located at 12727 SE 38th St., Bellevue, WA 98006.

23 6. On or about July 13, 2011, DE LA CRUZ PIOTE opened accounts in the  
24 name of GMC AUTOS, LLC, at Wells Fargo Bank, accounts 3202 & 9548, at the branch  
25 located at 13505 NE. 175th St., Woodinville, WA 98072.

26 7. On or about the dates listed below, the conspirators transmitted, or caused  
27 to be transmitted, by interstate wire, the following, with each transmission constituting a  
28 separate overt act:

	Date Received	Sender	Sender's Bank	Item Advertised	Beneficiary	Beneficiary's Bank	Amount
1.	2/2/2011	H.N.	Wells Fargo	Cadillac	CARS CONSULTANTS, LLC	Wells Fargo 2122	\$20,000
2.	2/9/2011	C.W.P.	B of A	Lexus	CARS CONSULTANTS, LLC	B of A 5913	\$19,000
3.	2/14/2011	K.S.	B of A	Auto	Unknown	B of A 4442	\$26,200
4.	2/28/2011	L.O.	Wells Fargo	Mercedes	Unknown	Wells Fargo 4644	\$16,500
5.	7/6/2011	S.K.	B of A	2009 Nissan GT-R	MGA ENGINES, LLC	B of A 4215	\$35,000
6.	7/7/2011	M.R.	Wachovia Bank	Airstream Motor home	MGA ENGINES, LLC	B of A 4215	\$16,500
7.	7/11/2011	A.S.	Commonwealth Bank of Australia	E type Jaguar	MGA ENGINES, LLC	B of A 4215	\$14,850
8.	7/13/2011	D.R.	Wells Fargo	Wire transfer recalled	MGA ENGINES, LLC	US Bank	\$27,500
9.	7/13/2011	N.P.	B of A	Wire transfer recalled	MGA ENGINES, LLC	US Bank	\$48,000
10.	7/14/2011	T.N.	Chase Bank	2008 Audi S5	AUTO FINANCIAL, LLC	Wells Fargo 4216	\$38,000
11.	7/15/2011	K.P.	Unknown	2009 Crownline Boat	MGA ENGINES, LLC	Chase 9033	\$14,982
12.	7/15/2011	G.G.	Unknown	1969 Chevrolet Camaro	MGA ENGINES, LLC	Chase 9033	\$14,700
13.	7/18/2011	S.M.	First Citizen's Bank	2006 Fleetwood Excursion	AUTO FINANCIAL, LLC	Banner Bank 6215	\$60,350
14.	7/19/2011	B.D.	Unknown	2010 Lexus	AUTO FINANCIAL, LLC	Wells Fargo 4216	\$58,000
15.	7/20/2011	A.S.	Voyager Bank	2007 Malibu Wakesetter	AUTO FINANCIAL, LLC	Banner Bank 6215	\$21,000
16.	7/21/2011	J.M.	Chase Bank	2009 Audi S5	AUTO FINANCIAL, LLC	Chase Bank 3247	\$39,000

	Date Received	Sender	Sender's Bank	Item	Beneficiary	Beneficiary's Bank	Amount
17.	7/21/2011	M.G.A. C.	B of A	2009 Mercedes SL65	AUTO FINANCIAL, LLC	Chase Bank 3247	\$92,000
18.	7/25/2011	J.H.M	HSBC Bank	2010 Toyota Tundra	AUTO FINANCIAL, LLC	B of A 5618	\$33,500
19.	8/04/2011	P.A.	B of A	2010 Toyota Tundra	GMC AUTOS, LLC	Chase 3018	\$32,000
20.	8/5/2011	I.M.	BTCO	BMW X5	AUTO FINANCIAL, LLC	Chase Bank 3247	\$12,000
21.	8/05/2011	O.M.I	TD Bank	2010 Toyota Tundra	GMC AUTOS, LLC	Chase 3018	\$32,500
22.	8/8/2011	S.A.	Wells Fargo Bank	2010 Lexus GX460	GMC AUTOS, LLC	Chase 3018	\$45,650
23.	8/08/2011	C.S.	Key Bank	2010 Mercedes Benz GL	GMC AUTOS, LLC	Chase 3018	\$5,000
24.	8/8/2011	A.M.G.	RBS Citizen's Bank	2010 Infiniti FX35	GMC AUTOS, LLC	B of A 9703	\$30,000
25.	8/09/2011	A.K.	RBS Citizens	2010 Mercedes Benz GL	GMC AUTOS, LLC	Chase 3018	\$5,000
26.	8/10/2011	K.C.C.	Chase Bank	2009 Infiniti	GMC AUTOS, LLC	B of A 9703	\$33,000
27.	8/11/2011	C.S.L.	Chase Bank	2009 BMX X5	GMC AUTOS, LLC	Chase 3018	\$33,490
28.	8/11/2011	S.A.	Wells Fargo Bank	2010 Lexus RX350	GMC AUTOS, LLC	Chase 3018	\$35,350
<b>TOTAL:</b>							<b>\$940,772</b>

8. On or about the dates listed below, after victims had sent wires to the fraudulent businesses and bank accounts, the coconspirators made cash withdrawals, in amounts under the Currency Transaction Reporting (CTR) limit of \$10,000, from the



bank accounts in the name of GMC AUTOS, LLC, with each withdrawal constituting a separate overt act.

	Date	Sender Bank Account	Sender	Transaction	Amount
1.	08/02/11	B of A 9612	GMC AUTOS, LLC	Withdrawal	\$5,000
2.	08/03/11	B of A 9617	GMC AUTOS, LLC	Withdrawal	\$2,000
3.	08/05/11	Chase 3018	GMC AUTOS, LLC	Withdrawal	\$4,300
4.	08/05/11	Chase 3018	GMC AUTOS, LLC	Withdrawal	\$3,500
5.	08/08/11	Chase 3018	GMC AUTOS, LLC	Withdrawal	\$2,000
6.	08/08/11	Chase 3018	GMC AUTOS, LLC	Withdrawal	\$4,000
7.	08/08/11	Chase 3018	GMC AUTOS, LLC	Withdrawal	\$4,000
8.	08/08/11	Chase 3018	GMC AUTOS, LLC	Withdrawal	\$5,000
9.	08/08/11	Chase 3018	GMC AUTOS, LLC	Withdrawal	\$5,000
10.	08/08/11	Chase 3018	GMC AUTOS, LLC	Withdrawal	\$2,000
11.	08/08/11	Chase 3018	GMC AUTOS, LLC	Withdrawal	\$7,000
12.	08/08/11	Chase 3018	GMC AUTOS, LLC	Withdrawal	\$6,000
13.	08/08/11	B of A 9703	GMC AUTOS, LLC	Withdrawal	\$6,000
14.	08/08/11	B of A 9703	GMC AUTOS, LLC	Withdrawal	\$5,000
15.	08/09/11	Chase 3018	GMC AUTOS, LLC	Withdrawal	\$9,500
16.	08/09/11	Chase 3018	GMC AUTOS, LLC	Withdrawal	\$5,000
17.	08/09/11	B of A 9703	GMC AUTOS, LLC	Withdrawal	\$8,500
18.	08/10/11	Chase 3018	GMC AUTOS, LLC	Withdrawal	\$5,000
19.	08/10/11	Chase 3018	GMC AUTOS, LLC	Withdrawal	\$7,000
20.	08/10/11	Chase 3018	GMC AUTOS, LLC	Withdrawal	\$6,300
				<b>TOTAL:</b>	<b>\$102,100</b>

All in violation of Title 18, United States Code, Section 371.

## 1 ALLEGATION OF FORFEITURE

2 The allegations in count one of the indictment are hereby re-alleged and  
3 incorporated herein by reference for the purpose of alleging forfeiture to the United  
4 States pursuant to Title 18, United States Code, Sections 981(a)(1)(C), 982(a)(2)(A), and  
5 Title 28, United States Code, Section 2461(c).

6 Upon conviction of the offense charged in count one, Defendant JUAN CARLOS  
7 DE LA CRUZ PIOTE shall forfeit to the United States any and all property, real or  
8 personal, which constitutes or is derived from proceeds traceable to the conspiracy to  
9 commit wire fraud, including but not limited to the following: Money judgment in the  
10 amount of \$1,000,000, which represents proceeds of the conspiracy.

11 If any of the above-described forfeitable property, as a result of any act or  
12 omission of the Defendant,

- 13 1. cannot be located upon the exercise of due diligence;
- 14 2. has been transferred or sold to, or deposited with, a third party;
- 15 3. has been placed beyond the jurisdiction of the Court;
- 16 4. has been substantially diminished in value; or
- 17 5. has been commingled with other property which cannot be divided  
18 without difficulty;

19 //

20 //

21 //



1 it is the intent of the United States, pursuant to Title 21, United States Code,  
2 Section 853(p), to seek the forfeiture of any other property of the Defendant up to the  
3 value of the above-described forfeitable property.

4 A TRUE BILL:

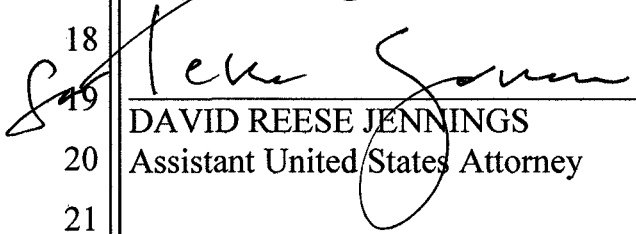
5 DATED: 8-14-13

6  
7 Signature of Foreperson redacted pursuant  
8 to the policy of the Judicial Conference

9 FOREPERSON

10  
11  
12   
13 JENNY A. DURKAN  
14 United States Attorney

15   
16 ANDREW C. FRIEDMAN  
17 Assistant United States Attorney

18   
19 DAVID REESE JENNINGS  
20 Assistant United States Attorney